

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CV-147-D

THEODORE STAIR,)
)
 Plaintiff,)
)
 v.)
)
 RORY CALHOUN, ESQ. FOR)
 ESCROW ACCOUNTS FOR AVE. LTD.)
 GENERAL FUNDS,)
)
 Defendant.)

ORDER

On August 14, 2018, Theodore Stair (“Stair” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On October 8, 2018, the court referred the motion to Magistrate Judge Swank for frivolity review [D.E. 4]. On November 26, 2018, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) [D.E. 5] and recommended that Stair’s application to proceed in forma pauperis be granted and that the complaint be dismissed as frivolous. Stair did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 5].

In sum, Stair's application to proceed in forma pauperis [D.E. 1] is GRANTED and Stair's complaint is DISMISSED as frivolous. The clerk shall close the case.

SO ORDERED. This 18 day of December 2018.

J. Dever
JAMES C. DEVER III
United States District Judge